

## **Board Meeting Minutes May 13, 2019**

The Kansas Board of Cosmetology held a Board meeting on Monday, May 13, 2019, at 9:30 a.m. at the Board office at 714 S.W. Jackson Street, Suite 100, Topeka, Kansas. The Board Secretary recorded the minutes.

### **Board Members Present:**

David Yocum, Chair  
Ashley Rangel, Member  
Christine Burgardt, Member  
David Tucker, Member  
Kelly Robbins, Member  
Kimberley Mancuso, Member  
Nichole Hines, Member

### **Staff Present:**

Ms. Gloeckner, Acting Executive Director  
Aubrie Pryer, Compliance Supervisor  
Michaela Ewing, Licensing Director  
Lindsey Bowes, Enforcement / Board Secretary  
Jesse Adams, Region 2 Inspector  
Janet Durheim, Region 3 Inspector

### **Members of the Public**

Heidi Nelson  
Jasmine Cole

### **Board Legal Counsel Present:**

Athena Andaya, General Counsel  
Jane Weiler, Litigation Counsel

### **Public Comment**

Jasmine Cole requested the Board reconsider prohibiting roll-on waxes and recommended classifying them as single-use items only.

### **Call to Order**

David Yocum, Board Chair, called the meeting to Order at 9:43 a.m.

Motion and second to approve addition of Role-On Waxes be added to the agenda made by Burgardt and Robbins, respectively. Motion carried.

### **Minutes of March 11, 2019**

Motion and second to approve the minutes of March 11, 2019, made by Burgardt and Mancuso, respectively. Motion carried.

### **Minimum Practices for Each Cosmetology Profession**

Tina Burgardt, Member, provided the Board feedback of her recent visit to Garden City Community College Cosmetology School. Ms. Burgardt proposed increasing the minimum requirements in the curriculum requirements.

Motion and second to table the item for the next scheduled Board meeting made by Robbins and Burgardt, respectively. Motion carried.

#### **Patriot Tattoo Co. Tooth Fairy by Madds**

Ms. Gloeckner, Acting Executive Director, informed the Board that a response has yet to be received from the Kansas Dental Board on whether the services being offered by Tooth Fairy by Madds, within Patriot Tattoo Co., poses a health & sanitation risk to the public.

While the Board agrees the services being provided by Tooth Fairy by Madds are outside the Boards jurisdiction, the Board wants to protect the public who will be receiving services from Patriot Tattoo Co. and discussed whether a solid partition would be required to separate the two businesses and services.

Ms. Gloeckner indicated she will contact the Kansas Department of Health & Environment to see if a solid partition will be required.

Motion and second to table the item for further review until the next scheduled Board meeting made by Burgardt and Robbins, respectively. Motion carried.

#### **Misleading Business Names**

Ms. Gloeckner requested the Board draft a list of words that will be prohibited from use in establishment names when applying for a facility license. Words such as “medical” and “barber shop” could prompt possible disciplinary action towards the owners from other licensing boards and/or mislead the public as false advertisement.

Motion and second to approve a guidance document be drafted listing words that will be prohibited from use in establishment names when applying for a facility license made by Mancuso and Tucker, respectively. Motion carried.

#### **New Renewal Exam Questions**

Ms. Gloeckner informed the Board the renewal exam has been updated and requested the Boards approval to use the updated version.

Mr. Yocum requested the renewal questions be reviewed annually by the Board for updates.

Motion and second to approve the updated renewal exam as is and to review the renewal exam annually for updates made by Burgardt and Mancuso, respectively. Motion carried.

#### **Executive Session: Written Practical**

Tina Burgardt, Member, made the following motion, “In order to protect a matter protected by the attorney-client privilege and the public interest, I move that the Board recess into executive session for consultation with our

legal counsel, Athena Andaya, Deputy Attorney General, to seek legal advice on a method of professional services. In addition, I move that Laura Gloeckner, Acting Executive Director, Aubrie Pryer, and Michaela Ewing, who are part of the client circle, be present in the executive session to aid the Board in their discussions. The Board will reconvene the open meeting in this same location in 15 minutes at 10:36 a.m.” The motion was seconded by Kelly Robbins, Member, and was carried unanimously.

### **Call to Order**

Mr. Yocum, Board Chair, called the meeting back to order at 10:37 a.m.

Ms. Gloeckner will bring agenda item back to the Board at the next scheduled Board meeting. Ms. Burgardt requested the Board review other states for how they handle their written practical exams.

### **Recess**

Motion and second to approve recess break until 10:50 a.m. made by Burgardt and Robbins, respectively. Motion carried.

### **Call to Order**

Mr. Yocum, Board Chair, called the meeting back to order at 10:53 a.m.

### **Credit Card Fees (48:06)**

Ms. Gloeckner informed the Board effective June 30, 2019, the Board will no longer absorb credit card fees for on-line applications and renewals; doing so will prevent the Board from raising general fees.

### **Lancets & Dermaplaning Devices (49:29)**

Ashley Rangel, Member, provided the Board her review of Class I Medical devices, specifically lancets and scalpels.

Motion and second to approve the use of lancets for removing Milia only and the use of scalpels for dermaplaning only by licensed cosmetologists and estheticians made by Mancuso and Rangel, respectively. Motion carried.

The emphasized these procedures are for esthetic purposes only, are considered noninvasive and confined to the nonliving cells of the epidermis found in the stratum corneum layer of the skin. The practice does not alter, cut, or damage any living cells as is prohibited in K.A.R. 28-24-14(5). Additionally, the use of the scalpel in dermaplaning is only for exfoliation and hair removal and not permitted for the use to remove calluses or skin blemishes as stated in K.A.R. 28-24-14(4).

The Board recommended office staff, Ms. Rangel and Nichole Hines, Member, draft notice that lancets and dermaplaning are now approved services and devices for public distribution and to be presented at the next scheduled Board meeting.

Motion and second to approve office staff, Ms. Rangel and Nichole Hines, Member, draft notice that lancets and dermaplaining are now approved services and devices for public distribution and to be presented at the next scheduled Board meeting made by Robbins and Rangel, respectively. Motion carried.

**Exam Observation Report (1:25:07)**

Ms. Burgardt provided information on her recent observation of a practical exam.

**Body Art Continuing Education Approval: Pacific Medical Training Follow-Up (1:33:20)**

Michaela Ewing, Licensing Director, requested the Boards approval of the Bloodborne Pathogen (3 hour) course provided by Pacific Medical Training to be added to the Body Art Continuing Education list.

David Tucker, Member, provided feedback of the proposed course.

Motion and second to approve the Bloodborne Pathogen (3 hour) course provided by Pacific Medical Training to be added to the Body Art Continuing Education list made by Burgardt and Tucker, respectively. Motion carried.

**HB 2384 PowerPoint**

The Board did not hold discussion on HB 2384. For informational purposes only.

**Regulation Review: K.A.R. 69-15-9**

K.A.R. 69-15-9 was not discussed by the Board.

Aubrie Pryer, Compliance Supervisor, informed the Board K.A.R. 69-3-7 edits are complete and requested review and approval of the edits made to K.A.R. 69-15-6. K.A.R. 69-15-6 reads as follows:

**69-15-6. Application completion and deadlines.** (a) Applications for examination shall be received at least 30 calendar days before the next scheduled examination.

b. Any application submitted during the 30-day period immediately prior to the examination shall be reviewed, and if the applicant satisfies the requirements, that person shall be scheduled for the subsequent examination.

c. Applicants who fail to submit sufficient fees, complete documentation, and verification of training or experience, or both, shall be considered disqualified, and their application shall be closed. Examination fees may be carried forward one time to the next scheduled examination.

d. Any candidate for examination who fails to complete the examination process within the following time limits shall be required to submit a new application, documentation, and fees, according to this schedule:

1. One year from receipt of application, if the applicant does not meet the qualifications for examinations; or
2. one year from the date that the last section of the examination was attempted.

e. ~~Any candidate who meets the requirements of the examination and is scheduled for the next examination may work in a licensed facility under the direct supervision of a licensed permanent cosmetic technician, tattoo artist, or body piercing technician until the candidate successfully passes the examination. If the applicant fails the written or demonstration and oral examination, the temporary permit issued to the applicant shall expire and shall not be renewed.~~

Authorized by and implementing L. 1996, Ch. 138, Sec. 4; effective Aug. 22, 1997; amended P-\_\_\_\_\_.)

The Board discussed K.A.R. 69-15-6 and determined subsection (e) should not be stricken and shall remain as is with the addition of the underline portion.

Motion and second to approve keeping K.A.R. 69-15-6(e) with the addition of the underline portion made by Burgardt and Tucker, respectively. Motion carried.

#### **Sub-Committee Reports (Standing Review)**

Ms. Pryer informed the Board the Body Art subcommittee is currently working through the Body Art regulations.

#### **Directors Report (Standing Review)**

Ms. Gloeckner announced Ava Fiene, Region 1 Inspector, and Eric Lynch, Region 4 Inspector, are the recipients of the 2018 4<sup>th</sup> Quarter and 2019 1<sup>st</sup> Quarter Employee of the Quarter Awards.

Ms. Gloeckner informed the Board the State of Texas attempted to deregulate Cosmetology without success and indicated the State of Florida is considering decreasing training requirements for licensure. However, the State of Connecticut currently does not license nail technology facilities and is considering do so.

Ms. Gloeckner expressed concerns for the Threading Bill, indicating there is low feedback response for the bill and believes the public needs to be made aware of the possible health concerns should the bill pass.

Mr. Yocum requested a "Special Bulletin" notice be sent to all licensees with information regarding the recent approval of lancets for the removal of milia only, dermaplaning and threading.

Ms. Gloeckner recommended placing the Fox 4 Threading video link on the agency website for licensee and public awareness.

Ms. Gloeckner informed the Board the agency newsletter distribution will be done in the Spring & Fall of each year.

Mr. Yocum requested the discussion of the agency newsletter and videos be added to the next scheduled Board meeting.

Ms. Gloeckner informed the Board currently the pass rates for Board exams are low.

**Roll-On Waxing**

Ms. Pryer provided the Board history on the prohibition of roll-on waxing.

Mr. Yocum requested further review of the disposable roll-on waxing cartridges.

Ms. Pryer to review and will present her findings at the next scheduled Board meeting.

**Licensing Report May 2019**

For Informational Purposes Only.

**Ergo 1<sup>st</sup> Quarter 2019 Report**

For Informational Purposes Only.

**Ergo February & March 2019 Monthly Report**

For Informational Purposes Only.

**KBOC Cash Balance Report for February & March 2019**

For Informational Purposes Only.

**KBOC Strategic Plan**

For Informational Purposes Only.

**Adjournment**

Motion and second to adjourn the meeting at 12:24 p.m. made by Robbins and Rangel, respectively. Motion carried.